

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EDWARD L. TURNER,

No. C 05-2297 MHP (pr)

Plaintiff,

ORDER

v.

WARREN E. RUPF; et al.,

Defendants.

This matter has a settlement conference set for May 31, 2011 at the California State Prison - Solano and comes before the court today for consideration of several miscellaneous matters.

Defendants' motion in limine is DISMISSED without prejudice to defendants filing a new motion in limine when a new trial date is set. (Docket # 169.) The motion was filed at a time when there was a trial date, but the trial date has been vacated and no new trial date has been set.

Plaintiff's motion to file a fifth amended complaint is DENIED and the fifth amended complaint is STRICKEN. (Docket # 185, # 187.) The proposed fifth amended complaint is untimely as it was submitted almost six years after this action was commenced, and does not satisfy joinder rules because it alleges claims against different defendants for acts and omissions that happened at a prison outside this district. If plaintiff wants to pursue the claims in his fifth amended complaint, he may file a new action to do so, but should file that action in the Eastern District of California because that is the district in which the acts and omissions occurred and new alleged wrongdoers apparently reside.

1 Plaintiff's "request for access to the court by telephone and new trial dates for
2 December 2011" in which he asks to have biweekly calls with the court to "establish all lines
3 of communication with the courts" is DENIED. (Docket # 186.) If plaintiff wants a
4 particular action taken by the court, he may file a written motion. Plaintiff is cautioned,
5 however, that this action is not the place in which to air all of his grievances about life at the
6 various institutions he has been housed. The scope of this action is limited to the claims
7 plaintiff made against several officials at the Martinez Detention Facility about his medical
8 needs during his stay at that facility from 2000-2003. Plaintiff should be focusing on those
9 claims, as those are the claims that will be contemplated at the settlement conference and
10 those will be the claims that he will need to present at trial if the case does not settle.

11 IT IS SO ORDERED.

12 Dated: May 26, 2011


Marilyn Hall Patel
United States District Judge